

So Ordered.



*Frederick P. Corbit*  
Frederick P. Corbit  
Bankruptcy Judge

Dated: September 19th, 2018

UNITED STATES BANKRUPTCY COURT

IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: **18-00037-FPC11**

**FLORA E. WEIMERSKIRCH,**

Chapter 11

Debtor.

**FINDINGS OF FACT**

**THIS MATTER** coming before the Court for hearing on September 19, 2018, upon the issues raised by Debtor's request for confirmation of Debtor's First Amended Plan of Reorganization filed herein on June 7, 2018 [ECF 92], as amended pursuant to the Notice of Plan Modification and Disclosure Statement Amendment filed herein on August 30, 2018 [ECF 161] (collectively the "Plan"), and based upon the evidence produced, the Court now makes the following:

**FINDINGS OF FACT**

1. The Debtor's Plan was submitted to Creditors and other parties in interest;

Findings of Fact-1

**SOUTHWELL & O'ROURKE, P.S.**  
A PROFESSIONAL SERVICE CORPORATION  
**ATTORNEYS AT LAW**  
SUITE 960, PAULSEN CENTER  
WEST 421 RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99201  
TELEPHONE (509) 624-0159

1           2.     The Plan has been accepted in writing by the creditors and equity security  
2 holders whose acceptance is required by law;

3           3.     The provisions of Chapter 11 of the United States Code have been complied  
4 with and the Plan has been proposed in good faith and not by any means forbidden by  
5 law;

6           4.     (a) Each holder of a claim or interest has accepted the Plan or will receive or  
7 retain under the Plan property of a value, as of the effective date of the Plan, that is not  
8 less than the amount that such holder would receive or retain if the Debtor was liquidated  
9 under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate unfairly,  
10 and is fair and equitable with respect to each class of claims or interests that is impaired  
11 under, and has not accepted the Plan;

12           5.     All payments made or promised by the Debtor or by a person issuing  
13 securities or acquiring property under the Plan or by any other person for services or for  
14 costs and expenses in, or in connection with, the Plan and incident to the case, have been  
15 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed  
16 after confirmation of the Plan, will be subject to approval of the Court;

17           6.     Confirmation of the Plan is not likely to be followed by the liquidation, or the  
18 need for further financial reorganization of the Debtor, or (b) if the Plan is a plan of  
19 liquidation, the Plan sets a time period in which liquidation will be accomplished, and  
20 provides for the eventuality that the liquidation is not accomplished in that time period;  
21  
22  
23  
24  
25

Findings of Fact-2

**SOUTHWELL & O'ROURKE, P.S.**  
A PROFESSIONAL SERVICE CORPORATION  
**ATTORNEYS AT LAW**  
SUITE 960, PAULSEN CENTER  
WEST 421 RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99201  
TELEPHONE (509) 624-0159

1           7. Pursuant to the Plan, the following acts or events constitute substantial  
2 consummation of the Plan: sixty (60) days following Confirmation, provided that Debtor  
3 has paid all installments provided by this Plan to be paid within that time;

4           8. Creditors were given Notice of Confirmation and no objections thereto were  
5 made or have otherwise been withdrawn;

6           9. NCB's Objection to Debtor's First Amended Plan of Reorganization filed on  
7 August 3, 2018 [ECF 150] has been withdrawn pursuant to NCB's Withdrawal of Objection  
8 to Debtor's Proposed First Amended Plan of Reorganization, as Modified filed on  
9 September 6, 2018 [ECF 163];

10           10. The Court finds the Notice of Plan Modification and Disclosure Statement  
11 Amendment complies with 11 U.S.C. §§1125 and 1127, is adequate, and is approved; and  
12

13           11. It is proper that the Plan be confirmed.

14                               ///END OF ORDER///

15  
16 PRESENTED BY:

17 SOUTHWELL & O'ROURKE, P.S.  
18

19 BY: s/ Kevin O'Rourke  
20 KEVIN O'ROURKE, WSBA #28912  
21 Attorneys for Debtor  
22  
23  
24  
25

Findings of Fact-3

**SOUTHWELL & O'ROURKE, P.S.**  
A PROFESSIONAL SERVICE CORPORATION  
**ATTORNEYS AT LAW**  
SUITE 960, PAULSEN CENTER  
WEST 421 RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99201  
TELEPHONE (509) 624-0159